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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/419,752

10/16/1999

PETER AR-FU LAM

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1738

7590  
PETER AR-FU LAM  
20104 WAYNE AVENUE  
TORRANCE, CA 90503

06/09/2010

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

06/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/419,752	<b>Applicant(s)</b> LAM, PETER AR-FU	
	<b>Examiner</b> ANGELA A. ARMSTRONG	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 86-176 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 89-91, 129-134 and 176 is/are allowed.
- 6) ☒ Claim(s) 86-88, 92-128 and 135-175 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 26, 2010 has been entered.

### ***Specification***

2. The amendment filed February 26, 2010, is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows (where the underlined text identifies the new matter): The present invention relates generally to a programming tool that is designed to interface between programmers and computers. According to the understanding of a person having ordinary knowledge in the art, a programming tool, or programming system as described herein, is defined as a "tool", that enables a programmer to program a computing device. This programming tool also supports a programming method that allows a programmer to make extensive use of tables as a mean to represent the logical thinking of a programmer reflected in a program written by this programming tool, and enabling the programming process easily to be understood by third parties. As further described in the specification herein, the definition of

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programming tool or programming system also includes a tool that enables a programmer to program a local or remote computing device. Thus, these improvements enhance the efficiency of programming, reduce the likelihood of the presence of program bugs or structural errors. In addition, the training cost required for a programmer to learn the programming method is minimal. The resulting programs composed with the invented method also will be easy to be read and to be maintained by any programmer.

3. amendment at page 12, first paragraph:

4. The in process computer activity is performed by the Table Format compiler which translates the Table Format program into codes executable by a local computer, a target microcontroller, or a remote computer. The post-computer activity is usually a code executable by the target computer or microcontroller. This executable code can be further run by the computer or microcontroller to perform the function according to the original programming specification in order to carry out the programming objective. The compiled executable code is usually stored in memory means defined by RAM, ROM, any programmable no-volatile memory or any other storage devices commercially available. In the situation of microcontrollers to be used in consumer products, the memory means storing the compiled executable file is usually located in the article of sale rather than in the compiling computer. In this situation, the compiling computer simply acts as a development or programming system, a programming tool, a compiler or a program supplier for a remote computing device.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 86-88, 92-113, 114-119, 120-128, 135-147, 148-153, 154-169, and 170-175 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Regarding claims 86-88, claims 86-88 are directed to a programming tool. A programming tool does not fall within one of the statutory classes of inventions under 35 U.S.C 101 as it is not a process because it is not a series of steps nor is the claimed programming tool a machine, or a composition of matter or manufacture (product classes). Further, the claimed programming tool is not a machine, composition or matter of manufacture because the claim fails to recite any tangible physical elements or components required to be eligible as a machine, composition of matter or manufacture under 35 U.S.C 101. As such, the claims, without any physical elements or components are not directed to a product (or method) and are non-statutory.

Regarding claims 92-113, 114-119, 120-128, 154-169 and 170-175, the programming method claims of 92-113, 114-119, 120-128, 154-169 and 170-175 are directed to methods not eligible as a process under 35 U.S.C. 101. A method or process is statutory under 35 U.S.C. 101 if the method or process either (a) is tied to another statutory class of invention or (b) transforms subject matter to another state or thing. The programming method claims of 92-113, 114-119, 120-128, 154-169 and 170-175 fail to specifically recite limitations directed to the process being

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tied to another class of invention (for example, specifically reciting limitations for an apparatus that accomplishes the method steps) or limitations directed to identifying statutory subject matter that is transformed to another state or thing.

Regarding claims 135-147, the programming method claims 135-147 are directed to methods not eligible as a process under 35 U.S.C. 101. A method or process is statutory under 35 U.S.C. 101 if the method or process either (a) is tied to another statutory class of invention or (b) transforms subject matter to another state or thing. The programming method claims of 135-147 fail to specifically recite limitations directed to the process being tied to another class of invention (for example, specifically reciting limitations for an apparatus that accomplishes the method steps) or limitations directed to identifying statutory subject matter that is transformed to another state or thing.

Regarding claims 148-153, the programming method claims of 148-153 are directed to methods not eligible as a process under 35 U.S.C. 101. A method or process is statutory under 35 U.S.C. 101 if the method or process either (a) is tied to another statutory class of invention or (b) transforms subject matter to another state or thing. The programming method claims of 148-153 fail to specifically recite limitations directed to the process being tied to another class of invention (for example, specifically reciting limitations for an apparatus that accomplishes the method steps) or limitations directed to identifying statutory subject matter that is transformed to another state or thing.

***Allowable Subject Matter***

7. Claims 89-91, 129-134, and 176 are allowed.

***Response to Arguments***

8. Applicant's arguments with respect to claims 86-88, 92-113, 114-119, 120-128, 135-147, 148-153, 154-169, and 170-175 have been considered but are not persuasive.

Applicant argues the specification provides support for the programming tool to be a programming system by the way of the amendment filed February 26, 2010. In response, the Examiner argues, the added material was not supported by the original disclosure and is therefore new matter. Applicant argues the amendment is merely a rewording of a passage. The Examiner disagrees, since the amendment attempts to change the original computer program description of the programming tool to a system or product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/  
Primary Examiner, Art Unit 2626